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STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

February 4, 2003

TO: Tittabawassee/Saginaw Rivers Flood Plain Mailing List

FROM: Waste and Hazardous Materials Division

SUBJECT: Tittabawassee/Saginaw Rivers Flood Plain Information

The purpose of this mailing is to ensure that you are aware of the public notice (printed on the reverse) that was recently published by the Michigan Department of Environmental Quality (MDEQ) in the Midland Daily News, Saginaw News, and Bay City Times extending the public comment period on The Dow Chemical Company (Dow) hazardous waste facility draft operating license. This communication is to clarify to potentially affected members of the public that the Tittabawassee/Saginaw Rivers flood plain areas have been identified by the MDEQ as potentially subject to corrective action because of the presence of dioxins and furans in certain flood plain soils and river sediments. In the draft Dow operating license that was originally made available for public review on October 7, 2002, only Midland area soils were specifically identified as having releases beyond the Dow facility boundary that require further corrective action.

What is corrective action?

Corrective action is a process to address historic, current, and future releases of contamination from a facility that handles hazardous waste. A facility is subject to corrective action regardless of when the release occurred. Corrective action addresses activities both inside and beyond the facility boundary. The Dow operating license will contain requirements to address on-site and off-site corrective action. Corrective action is a phased process in which the responsible facility is required to identify potential releases; investigate the extent of contamination; and conduct risk assessment and remediation to evaluate and eliminate risks to human health and the environment, as necessary. As part of corrective action, the MDEQ may require a facility to conduct interim measures to clean up or remove a released contaminant or to take other actions prior to the implementation of a remedial action to prevent, minimize, or mitigate injury to public health, safety, or welfare or to the environment. This corrective action is independent from Public Health Assessment activities conducted by the Michigan Department of Community Health in cooperation with the U.S. Agency for Toxic Substances and Disease Registry for the Tittabawassee River flood plain and city of Midland soils.

Why was a copy of this notice sent to me?

Your name is on a mailing list maintained by the MDEQ Remediation and Redevelopment Division (RRD; formerly the Environmental Response Division), to receive Information Bulletins regarding activities related to dioxin contamination in the Tittabawassee/Saginaw Rivers flood plain areas. This notice was prepared by the MDEQ, Waste and Hazardous Materials Division (WHMD), as part of its regulatory responsibilities to regulate and issue permits and operating licenses for hazardous waste treatment, storage, and disposal facilities. Staff of the WHMD have been working together with staff of the RRD in collecting and evaluating samples from the Tittabawassee/Saginaw Rivers sediments and flood plain soils. Information on this sampling has been provided in previous MDEQ Information Bulletins and is available on the MDEQ Website at: <http://www.michigan.gov/deq>. Scroll down and click on the "Dioxin Information" button in the left column.

What should I do if I want to review and make comments to the MDEQ on this?

The availability of the draft operating license and related documents for review, address for submitting comments, and information contact person are included in the public notice on the reverse and on the MDEQ Website. An additional copy of the draft operating license, including all attachments, has been placed at the following location for public review: Tittabawassee Township Hall, 145 South Second Street, Freeland, Michigan 48623 (989-695-9512).

PUBLIC NOTICE

ADDITIONAL 30 DAYS FOR PUBLIC COMMENT ON THE HAZARDOUS WASTE FACILITY OPERATING LICENSE FOR THE DOW CHEMICAL COMPANY IN MIDLAND, MICHIGAN

In response to several requests from the public, the Michigan Department of Environmental Quality (MDEQ) hereby gives notice of its decision to allow an additional 30 days for public comment regarding its intent to issue an operating license to The Dow Chemical Company (Dow), pursuant to Part 111, Hazardous Waste Management, of Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and the federal Resource Conservation and Recovery Act. The original public notice regarding this licensing action and a proposed corrective action consent order to address city of Midland contaminated soils was published on October 7, 2002. That notice announced a public comment period that ended on December 7, 2002, but was later extended to December 9, 2002. The MDEQ has decided not to enter into the corrective action consent order with Dow that was public noticed on October 7, 2002. Through this notice the MDEQ hereby seeks further public comment on the operating license public noticed on that date. The extension to the public comment period begins on January 27, 2003, and ends on February 26, 2003. Comments previously submitted concerning the draft operating license will be considered by the MDEQ and do not need to be resubmitted during this comment period extension.

The draft operating license will allow Dow to continue to operate their hazardous waste treatment, storage, and disposal facility located at 1000 East Main Street in Midland, Michigan. The regulation of the facility container storage, tank treatment and storage, surface impoundment treatment/storage/disposal, incineration, post-closure, and corrective action activities is being consolidated from three separate licenses and two federal permits into a single license. The term of the license renewal is for ten years. On October 7, 2002, the MDEQ also gave notice of its intent to concurrently approve a major operating license modification for Dow's separately licensed Salzburg Road Landfill located at 2314 West Salzburg Road in Midland, Michigan, to update the list of waste types that can be disposed at the Landfill. No requests were received to extend the public comment period on the major operating license modification. Therefore, the public comment period regarding the modification is not being extended.

The draft operating license, fact sheet, and applications remain available for review at the Reference Desk of the Grace A. Dow Memorial Library, located at 1710 West St. Andrews Street, Midland, Michigan, and at the MDEQ, Saginaw Bay District Office, located at 503 North Euclid Avenue, Bay City, Michigan (Contact: Ms. Trisha Peters at 989-686-8025, Extension 8204). These materials and other supporting documents, including all information submitted by the applicant, are also available at the MDEQ, Waste and Hazardous Materials Division, located at Constitution Hall, Atrium North (Lower Level), 525 West Allegan Street, Lansing, Michigan (Information Contact: Ms. Cheryl Howe at 517-373-9881 or howec@michigan.gov).

Written comments on the draft operating license will be accepted during the extension to the public comment period. All comments submitted for consideration must be postmarked by February 26, 2003. Comments regarding the draft documents and requests to be placed on the facility mailing list should be sent to Ms. Cheryl Howe at the following address: MDEQ, Waste and Hazardous Materials Division, P.O. Box 30241, Lansing, Michigan 48909-7741. Copies of the documents may be obtained (for the cost of reproduction) by sending your request to this address as well. Before issuing a final decision on the draft operating license, the MDEQ will evaluate all comments received. Information regarding the final decision on the draft operating license will be communicated to all persons who submit written comments or are on the facility mailing list. The MDEQ will respond to all significant comments and explain any changes that are made to the operating license.